

REMARKS/ARGUMENTS

STATUS OF THE APPLICATION

Claims 1-19, 24, and 32-38 were pending in this application and examined.

Claims 1, 3, 4, 6, 7, 9, 15, 16, 18, 24, 32, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamise (Unexamined Japanese Patent JP 10246041A--Machine Assisted Translation) (hereinafter "Kamise") in view of Collart (U.S. Patent No. 6,405,203).

Claims 2, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamise and Collart and further in view of Takasaki et al. (Japanese Patent JP403129990A--Only English Abstract) (hereinafter "Takasaki").

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamise and Collart and further in view of McAbian (U.S. Patent No. 5,845,261).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamise and Collart and further in view of Kanevsky et al. (U.S. Patent No. 6,334,109) (hereinafter "Kanevsky").

Claims 10 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamise and Collart and further in view of Motomiya et al. (U.S. Patent No. 6,189,783) (hereinafter "Motomiya").

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamise and Collart and further in view of Coffin et al. (U.S. Patent No. 5,991,429) (hereinafter "Coffin").

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamise and Collart and further in view of Bellagarda et al. (U.S. Patent No. 5,502,774) (hereinafter "Bellagarda").

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamise and Collart and further in view of Shaw et al. (U.S. Patent No. 6,349,297) (hereinafter "Shaw").

Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamise and Collart and further in view of Markus et al. (U.S. Patent No. 6,490,601) (hereinafter "Markus").

Applicants have amended claims 1, 16, 24, 35, and 37. New claim 39 has been added. Claims 1-19, 24, and 32-39 remain pending in this application after entry of this amendment.

THE CLAIMS

Claim 1

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamise in view of Collart. Applicants submit that claim 1 is patentable for at least the reasons stated below:

(1) Combination of Kamise and Collart fails to teach or suggest claim 1

Applicants submit that, even if *assuming arguendo*, one of ordinary skill in the art were to combine Kamise and Collart as suggested by the Examiner, the resultant combination does not teach or suggest Applicants' invention as recited in claim 1 and have further amended claim 1 to distinguish the present invention from the prior art references.

For example, claim 1, as amended recites:

wherein said processor is configured to determine additional information about said visitor based upon said information about said visitor gathered from said at least one input device and said at least one sensor, wherein the additional information comprises information about said visitor that is *not* provided by the visitor using the one or more input devices and is *not* gathered by the one or more sensors; (Applicants' claim 1, emphasis added)

Claim 1 clearly recites that the "additional information" about the visitor that is determined comprises information that is not provided via the input devices of the visitor information gathering apparatus and is not gathered or collected by sensors of the visitor information gathering apparatus. The "additional information" thus includes information about the visitor that is not provided to the visitor information gathering apparatus by the user or gathered by sensors of the visitor information gathering apparatus. Several examples of

"additional information" are provided in the specification such as information about the weather in the visitor's town (see specification: pg. 13 lines 33-34), cultural events in the visitor's home town (see specification: pg. 14 lines 2-3), security-related information (see specification: pg. 14 lines 9-14), etc. Such "additional information" is not included in the information provided to the visitor information gathering apparatus or gathered by the sensors of the visitor information gathering apparatus. Accordingly, the additional information has to be determined from some other source.

The Examiner has acknowledged that the "additional information" feature of claim 1 is not taught by Kamise (See Office Action dated 03/05/04: Page 4, 1st paragraph). The Examiner however states that the "additional information" feature is taught by Collart in col. 17 lines 22-28 and col. 18 lines 19-20.

The section of Collart identified by the Examiner in col. 18 describes a coupon-dispensing system. There is no description of the system determining any sort of "additional information" as recited in the claim 1.

The section of Collart identified by the Examiner in col. 17 describes a system (described in De Lapa et al.) for distributing coupons with a machine readable code (barcode) containing both customer and coupon identifications (Collart: col. 17 lines 2-4). Collart further states that "the system relies upon the consumer supplying the demographic information in a questionnaire or the like to be provided with the coupons." (Collart: col. 17 lines 15-17). The consumer information is captured at the store level and then additional mechanism is required to upload the consumer information to a centralized database to capture the consumer demographic information. Collart goes on to state that in De Lapa et al. there is no mechanism for capturing subsequent demographic information.

It appears that the Examiner has compared the "consumer demographic information" described in Collart to the "additional information" recited in claim 1. Applicants respectfully submit that such a comparison is incorrect. Applicants submit that the demographic information in Collart is provided by the user to the De Lapa system. The demographic information may also be contained in a barcode printed on a coupon and is captured at the store level. Accordingly, the demographic information is something that is either provided by the user

or captured input devices or sensors of the De Lapa system. This is substantially different from the "additional information" recited in claim 1 where the additional information comprises information about said visitor that is not provided by the user to the visitor information gathering apparatus and is not captured or gathered by sensors or input devices of the visitor information gathering apparatus. Applicants thus respectfully submit that the demographic information of Collart is not the same as the "additional information" recited in claim 1. Applicants accordingly submit that the features of claim 1 that recite "additional information" are not taught by Collart. Applicants further submit that this deficiency of Collart is not corrected by Kamise (as acknowledged by the Examiner). Applicants thus submit that even if Kamise and Collart were combined, the resultant combination would fail to teach or suggest the "additional information" feature of claim 1. Applicants thus respectfully submit that claim 1 is patentable over Kamise and Collart.

(2) Collart is non-analogous prior art

Applicants submit that Collart is non-analogous prior art and thus cannot be relied on as a 35 U.S.C. 103 reference.

MPEP 2141.01(a) states that in order to rely on a reference under 35 U.S.C. 103, it must be analogous prior art. The determination of whether a reference is analogous is twofold. "In order to rely on a reference as a basis for rejection of an applicant's invention, [a] the reference must either be in the field of the applicant's endeavor or, [b] if not, then be reasonably pertinent to the particular problem with which the invention is concerned." MPEP 2141.01(a) citing In re Oetiker, 977 F.2d 1443, and other cases.

[a] Collart is not in the field of the applicant's endeavor

Collart relates "to a distribution and tracking system that utilizes a set of bits on an electronic medium to track and control use of content electronically." (Collart: col. 1 lines 8-10). In Collart, an electronic storage medium tracking identifier is incorporated onto an electronic storage medium (e.g., a DVD) and stored in a database. A package tracking identifier is situated on a package in which the electronic storage medium is stored. The package tracking identifier is used to track the electronic storage medium as it is shipped between various entities.

The electronic storage medium is identified using the tracking identifier on the electronic storage medium in order to afford various advertising, security, support, or retail-related features (e.g., coupon dispensing and tracking systems described in cols. 15, 16, 17, and 18 of Collart). (Collart: col. 4: lines 25-39). Collart describes an embodiment for tracking DVDs.

Accordingly, Collart relates to a system for tracking and distributing content on electronic storage media and providing security and retail-related services.

In contrast, the present invention recited in claim 1 relates to visitor information gathering apparatus that is configured to collect information on visitors to a facility. The visitor information gathering apparatus recited in claim 1 comprises input devices and sensors that capture information about a visitor. The visitor information gathering apparatus in claim 1 is further configured to determine "additional information" about the visitor that comprises information that is not provided to or gathered by input devices or sensors of the visitor information gathering apparatus (i.e., the additional information comprises information that is different from the information provided to or gathered by the visitor information gathering apparatus).

The present invention, as recited in claim 1, thus relates to a system for gathering information about visitors -- it is not concerned whatsoever with tracking and distribution of content on electronic storage media or providing security and retail-related (e.g., coupon dispensing and tracking) services. On the other hand, Collart is not concerned at all about gathering information about visitors to a facility. Accordingly, Applicants submit that Collart is not in the field of the Applicants' endeavor.

[b] Collart is not reasonably pertinent to the particular problem with which the invention is concerned

As stated above, the present invention relates to a system for gathering information about visitors to a facility. The visitor information gathering apparatus recited in claim 1 comprises input devices and sensors that capture information about a visitor. The visitor information gathering apparatus recited in claim 1 is further configured to determine "additional information" about the visitor that comprises information that is not provided via input devices or gathered by sensors of the visitor information gathering apparatus. Accordingly, the present

invention recited in claim 1 provides an improved solution for capturing information on visitors to a facility.

Collart, on the other hand, is not concerned at all about gathering information about visitors to a facility. As stated above, Collart relates to a distribution and tracking system that utilizes a set of bits on an electronic medium to track and control use of content electronically. Thus, Collart provides a solution to tracking of electronic storage medium and its contents. The techniques disclosed in Collart allow a merchant to secure and identify its merchandise, maintain security of electronic content medium, track packages of electronic content media, and provide retail services.

Accordingly, the present invention recited in claim 1 and Collart relate to completely different fields and have different purposes. Further, the problems that the present invention as recited in claim 1 and Collart attempt to resolve are also completely different. Accordingly, Collart would not have commended itself to the attention of inventors of the present invention as recited in claim 1.

Based on the foregoing, Applicants submit that Collart is non-analogous prior art and thus it is inappropriate to rely on Collart as a 35 U.S.C. 103 reference. Thus, Applicants respectfully believe that the combination of Kamise and Collart is also improper.

(3) There is no suggestion to combine Kamise and Collart

A basic criteria for establishing a prima facie case of obviousness is that there must be some suggestion or motivation, whether in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. (See MPEP 2143). Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (See MPEP 2143.01). Absent such a showing in the prior art, the examiner has impermissibly used "hindsight" by using the applicant's teaching as a blueprint to hunt through the prior art for the claimed elements and combine them as claimed. In re Zurko, 111F.3d 887;

In re Vaeck, 947 F.2d 488. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. (See MPEP 2143.01 citing In re Mills, 916 F.2d 680).

Applicants submit that there is no explicit or implicit motivation in the references themselves to combine the references. Kamise teaches an unmanned reception system that provides various means for capturing a visitor's image and business card information, means for communicating with a receptionist, and a card dispensing means for dispensing a card for the visitor. (See Kamise: paragraphs [0005] through [0017]). The information about the visitor is stored in a visitor database (See Kamise: paragraph [0018]). The visitor can use the card to gain entry through various gates.

Collart on the other hand, relates to a distribution and tracking system that utilizes a set of bits on an electronic medium to track and control use of content electronically. Collart provides a solution to tracking of electronic storage medium and its contents. The techniques disclosed in Collart allow a merchant to secure and identify its merchandise, maintain security of electronic content medium, track packages of electronic content media, and provide retail services.

Applicants submit that there is no suggestion or desirability in Kamise, either explicit or implicit, to use techniques for distributing and tracking electronic storage media described in Collart. Likewise, there appears to be no suggestion or desirability in Collart, either explicit or implicit, to use techniques for receiving visitors and handing out card to visitors described in Kamise. The coupon dispensing and tracking systems described in cols. 15, 16, 17, and 18 of Collart are substantially different (in their configuration, intended purpose, use, and function) from the reception system of Kamise and thus do not provide a sufficient basis for combining the references. Further, since Kamise and Collart relate to different fields and arts, Applicants submit that one of ordinary skill in the relevant art would be not be motivated to combine the two references.

Based upon the above, Applicants submit that there is no motivation or suggestion to combine Kamise and Collart and the combination is improper.

Based upon the foregoing, Applicants submit that claim 1 is patentable for at least reasons (1), (2), and (3) described above.

Claims 2-19, 24, and 32-38

Applicants respectfully submit that independent claims 16, 24, and 35 are also allowable for at least a similar rationale as discussed above for allowing claim 1, and others. Applicants further submit that dependent claims 2-15 and 32-34, 17-19, and 36-38 which depend from claims 1, 16, and 35 respectively, are also allowable for at least a similar rationale as discussed for allowing claims 1, 16, and 35, and others.

Applicants further submit that the dependent claims recite additional features that are not taught or suggested by the cited references considered individually or in combination.

For example, claim 9 recites a "speaker" that is configured to output directions to reach the person to be visited. The Office Action contends that this feature is taught by Kamise at pages 14-15, sec. 0011. This section of Kamise however only seems to suggest that a map of a hall and a destination map are printed. Claim 9 however recites that the directions are output via a speaker -- i.e., output in audio form -- not in print form. Kamise does not teach outputting the directions via a speaker. This deficiency of Kamise is not corrected by Collart. Accordingly, even if Kamise and Collart were combined, the resultant combination would fail to disclose this feature of claim 9. Applicants submit that this is another reason for the patentability of claim 9.

As another example, Applicants submit that claim 36 is patentable for the following additional reasons:

(1) Applicants submit that Markus is non-analogous prior art. Markus is related to techniques for automatically inserting data into electronic forms on a computer and is not in the field of the applicant's endeavor of providing a system for gathering visitor information. Markus is not reasonably pertinent to the particular problem with which the invention (as recited in claim 36) is concerned.

(2) Applicants submit that there is no suggestion, either implicit or explicit, in Kamise, Collart, and Markus to combine the references. Applicants request the Examiner to provide a basis for the combination.

(3) Even if the references were combined, the resultant combination does not disclose claim 36. Claim 36 recites a data processing system that is configured to generate a web page for the visitor, where the generated web page stores information indicative of one or more persons visited by the visitor. The use of web pages is well known. However, claim 36 recites the generation of a web page with specific content, i.e., a web page storing information indicative of one or more persons visited by the visitor. This is not shown by Markus. A "cookie", as described in Markus col. 10 lines 17-22, is assigned to a user when the user visits a web site and used to identify the user and characteristics of the user. Firstly, a visitor visiting a physical person is substantially different from a person visiting a web site. A visitor does not have to visit a web site as part of visiting a person. Secondly, while a cookie may store information about the user and identify the user, it does not identify "physical" persons visited by a person at a physical location (which is substantially different from a web site). Further, there is no teaching that the cookie information is displayed to the user via a web page. Accordingly, Applicants submit that a cookie in Markus fails to teach or suggest displaying a web page with information about "physical" persons visited by a visitor as recited in claim 36 (if the Examiner does not agree with the Applicants then the Examiner is requested to clearly indicate how this feature of claim 36 is taught by Markus). Accordingly, even if the references were combined, Applicants submit that the resultant combination would not disclose generation of a web page storing information indicative of one or more persons visited by the visitor.

As another example, Applicants submit that claim 38 is patentable for the following additional reasons:

(1) Applicants submit that Markus is non-analogous prior art, as previously described.

(2) Applicants submit that there is no suggestion, either implicit or explicit, in Kamise, Collart, and Markus to combine the references, as previously described.

(3) Even if the references were combined, the resultant combination does not disclose or suggest claim 38. Claim 38 recites an "output device" that is configured to output information that is customized for the visitor based on information provided to or captured by input devices and sensors of the apparatus and based upon additional information. Applicants

submit that the feature of outputting customized information for a user is not taught by Markus as contended in the Office Action. Col. 10 lines 17-22 of Markus identified by the Office Action describe a "cookie" that identifies a user and stores user information. There is no teaching that the "cookie" outputs customized information for a visitor based upon information gathered by input devices, sensors, and additional information. Col. 19 lines 34-40 of Markus identified by the Office Action describes an auxiliary I/O device interface 926 that provides customized interfaces to various I/O devices such as cameras, tape readers, etc. The interfaces are customized for the various I/O devices -- this interface does not customize information for a visitor. Accordingly, even if the references were combined, Applicants submit that the resultant combination would not disclose the features of claim 38.

New Claims

A new claim 39 has been added and is believed to be in a condition for allowance.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

S. B. Kotwal

Sujit B. Kotwal
Reg. No. 43,336

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422
SBK:km
60226721 v1